

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS 2010 OCT 19 PM 1:33  
AMARILLO DIVISION

DEPUTY CLERK DC

ROBERT DANIEL COOKS, PRO SE, §  
also known as ROBERT D. COOKS, §  
TDCJ-CID No. 522351, §  
§  
Plaintiff, §  
§  
v. § 2:10-CV-0195  
§  
SAMUAL A. DEMERSON, §  
Industrial Specialist 3, and §  
TEXAS DEPARTMENT OF §  
CRIMINAL JUSTICE (TDCJ), §  
§  
Defendants. §

**ORDER OF PARTIAL DISMISSAL**

Plaintiff ROBERT DANIEL COOKS, while a prisoner incarcerated in the custody of the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and has been granted permission to proceed in forma pauperis.

On September 28, 2010, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims against defendant TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ) and recommending that plaintiff's claims against that defendant be DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

The Report and Recommendation did not address plaintiff's claims against defendant SAMUAL A. DEMERSON.

The period for response has expired; and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Claims by plaintiff ROBERT DANIEL COOKS against defendant TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ) are DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 19<sup>th</sup> day of October, 2010.



MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE